

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES L. CALHOUN,

Petitioner,

Case No. 1:06-cv-758

v.

Honorable Wendell A. Miles

TIM WILKINSON,

Respondent.

ORDER OF DISMISSAL

This is a habeas corpus proceeding brought by a Louisiana state prisoner pursuant to 28 U.S.C. § 2254. Petitioner was convicted in Caddo Parish, Louisiana, of armed robbery and/or aggravated burglary. He is presently incarcerated at the Winn Parish Facility in Winnfield, Louisiana. In his application for habeas corpus relief, Petitioner claims that certain aspects of his criminal trial violated his rights under the Due Process Clause and Equal Protection Clause in the U.S. Constitution, as well as provisions of the Louisiana constitution. He contends that this Court has jurisdiction over this matter pursuant to Michigan's personal jurisdiction statute relating to corporations. (Pet., p. 6, docket #1).

Venue in habeas corpus actions is governed by 28 U.S.C. § 2241. That statute allows a petition to be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d). Petitioner presently is incarcerated in a state prison

in Winnfield, Louisiana. As set forth above, Petitioner was convicted in Caddo Parish, Louisiana. Venue, therefore, is improper in the Western District of Michigan. Accordingly, the petition is DISMISSED pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED.

Dated: December 4, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge